

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NORTH CAROLINA

Case number (if known)

Chapter

11☐ Check if this an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	<u>MSS, Inc.</u>	
<hr/>		
2. All other names debtor used in the last 8 years <small>Include any assumed names, trade names and doing business as names</small>	<u>DBA MSS Ortiz Electrical Services</u>	
<hr/>		
3. Debtor's federal Employer Identification Number (EIN)	<u>56-1421150</u>	
<hr/>		
4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>2315 Sparger Road</u>	
	<u>Durham, NC 27705</u>	
	<small>Number, Street, City, State &amp; ZIP Code</small>	<small>P.O. Box, Number, Street, City, State &amp; ZIP Code</small>
	<u>Durham</u>	Location of principal assets, if different from principal place of business
	<small>County</small>	
		<small>Number, Street, City, State &amp; ZIP Code</small>
<hr/>		
5. Debtor's website (URL)	<u></u>	
<hr/>		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: <u></u>	
<hr/>		

Debtor **MSS, Inc.**  
Name

Case number (if known)

**7. Describe debtor's business****A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

**B. Check all that apply**

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**

\_\_\_\_\_

**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **MSS, Inc.** Case number (if known) \_\_\_\_\_  
Name

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☒ No ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor Relationship  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

11. Why is the case filed in this district? *Check all that apply:*
- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (*Check all that apply.*)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other \_\_\_\_\_

**Where is the property?** \_\_\_\_\_

Number, Street, City, State & ZIP Code

**Is the property insured?**

☐ No

☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

### Statistical and administrative information

13. Debtor's estimation of available funds. *Check one:*
- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

15. Estimated Assets
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000          | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000    | <input type="checkbox"/> \$10,000,001 - \$50 million           | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million          | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million         | <input type="checkbox"/> More than \$50 billion          |

16. Estimated liabilities
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
|---|--|--|

Debtor	<b>MSS, Inc.</b>	Case number (if known)	
	Name		
	<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
	<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
	<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **MSS, Inc.** Case number (if known) \_\_\_\_\_  
 Name

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 28, 2023**  
 MM / DD / YYYY

**X /s/ Matthew Filzen**  
 Signature of authorized representative of debtor  
 Title **Vice President/Chief Operations Officer**

**Matthew Filzen**  
 Printed name

**18. Signature of attorney**

**X /s/ Joseph Z. Frost**  
 Signature of attorney for debtor

Date **August 28, 2023**  
 MM / DD / YYYY

**Joseph Z. Frost**  
 Printed name

**BUCKMILLER, BOYETTE & FROST, PLLC**  
 Firm name

**4700 Six Forks Road, Suite 150**  
**Raleigh, NC 27609**  
 Number, Street, City, State & ZIP Code

Contact phone **919-296-5040**

Email address **jfrost@bbflawfirm.com**

**44387 NC**  
 Bar number and State

**Fill in this information to identify the case:**Debtor name **MSS, Inc.**United States Bankruptcy Court for the: **EASTERN DISTRICT OF NORTH CAROLINA**

Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Aldana Electric, LLC Attn: Manager, Agent, Officer 1412 Beacon Valley Drive Raleigh, NC 27604		Property Owner: Vintage Raleigh West Owner, LLC; General Contractor: T.D.K. Construction Co., Inc.	Disputed	\$40,100.00	\$0.00	\$40,100.00
Ally Bank Attn: Manager, Agent, Officer P.O. Box 130424 Roseville, MN 55113-0004		2019 Ram 1500 Classic Crew Cab VIN#1C6RR6TT5K S727381		\$30,399.94	\$21,200.00	\$9,199.94
Capital One Attn: Bankruptcy PO Box 30285 Salt Lake City, UT 84130		Credit Card Account				\$2,452.25
Chrysler Capital Attn: Manager, Agent, Officer PO Box 961275 Fort Worth, TX 76161		2022 Dodge Ram 1500 Classic Crew Cab VIN#3C6RR6KG5N G172710		\$34,785.25	\$29,000.00	\$5,785.25
Chrysler Capital Attn: Manager, Agent, Officer PO Box 961275 Fort Worth, TX 76161		2021 Ford Transit 250 Cargo Van VIN#1FTBR1Y81M KA57249		\$49,558.67	\$40,265.00	\$9,293.67
Electron Electrical Electronic Sys Attn: Manager, Agent, Officer 181 Sea Mist Drive Sanford, NC 27332						\$64,663.00

Debtor **MSS, Inc.**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Ellen Lighting & Hardware Attn: Manager, Agent, Officer 12601 Stafford Road Stafford, TX 77477						\$43,407.68
First National Bank Attn: Manager, Agent, Officer 4140 E. State Street Hermitage, PA 16148		All Inventory, Chattel Paper, Accounts, Equipment		\$431,504.44	\$0.00	\$431,504.44
Hunt Electric Supply Company Attn: R. Samuel Hunt, III 1213 Maple Avenue Burlington, NC 27215		Meridian at Rogers Branch Project Construction Project	Disputed	\$315,683.44	\$0.00	\$315,683.44
Hunt Electric Supply Company Attn: R. Samuel Hunt, III 1213 Maple Avenue Burlington, NC 27215		Birch Hill Apartments Project	Disputed	\$33,226.67	\$0.00	\$33,226.67
MasTec USG Attn: Manager, Agent, Officer 2721 Carpenter Upchurch Rd Cary, NC 27519						\$14,262.65
Milan Electrical Company, LLC Attn: Manager, Agent, Officer 2109 Arbor Lane High Point, NC 27265						\$125,390.00
Soto Home Investments Attn: Manager, Agent, Officer 103 N. Joyland Avenue Durham, NC 27703						\$2,900.00
Tommy Joe McCorkle 4616 Rapids Lane Durham, NC 27705		All Personal Property and Assets		\$500,000.00	\$0.00	\$500,000.00

Debtor **MSS, Inc.**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Truist Bank Attn: Manager, Agent, Officer PO Box 698 Wilson, NC 27894-0698		Credit card purchases				\$4,215.51
Villa Electric, LLC Attn: Manager, Agent, Officer 104 Baywood Place Chapel Hill, NC 27517						\$14,580.00
WEX Bank Attn: Manager, Agent, Officer PO Box 639 Portland, ME 04104-0639						\$8,809.00
Womack Electric Supply Attn: Manager, Agent, Officer 3352 Apex Parkway Apex, NC 27502		Meridian at Rogers Branch, LLC Construction Project	Disputed	\$226,523.97	\$0.00	\$226,523.97
Womack Electric Supply Attn: Manager, Agent, Officer 2018 S. Main Street, Ste. 800 Wake Forest, NC 27587		Symphony Park aka Symphony Park Senior Living Construction Project	Disputed	\$80,687.42	\$0.00	\$80,687.42
Womack Electric Supply Attn: Manager, Agent, Officer 2018 S. Main Street, Ste. 800 Wake Forest, NC 27587		Vintage Raleigh West Owner, LLC Construction Project	Disputed	\$46,630.87	\$0.00	\$46,630.87



**United States Bankruptcy Court  
Eastern District of North Carolina**

In re **MSS, Inc.**

Debtor(s)

Case No.

Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the Vice President/Chief Operations Officer of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **August 28, 2023**

**/s/ Matthew Filzen**

**Matthew Filzen/Vice President/Chief Operations Officer**

Signer/Title

Aldana Electric, LLC  
Attn: Manager, Agent, Officer  
1412 Beacon Valley Drive  
Raleigh, NC 27604

Ally Bank  
Attn: Manager, Agent, Officer  
P.O. Box 130424  
Roseville, MN 55113-0004

Benjamin D. Overby  
The Vernon Law Firm  
PO Drawer 2958  
Burlington, NC 27216-2958

BFG Huntersville Propco, LLC  
Attn: Corporation Service Company  
2626 Glenwood Avenue, Ste. 550  
Raleigh, NC 27608

Builders Mutual Insurance Co.  
Attn: Manager, Agent, Officer

Capital Lighting & Supply, LLC  
Attn: Manager, Agent, Officer  
8711 Westphalia Road  
Upper Marlboro, MD 20772

Capital One  
Attn: Bankruptcy  
PO Box 30285  
Salt Lake City, UT 84130

Carolina Commercial Contractors LLC  
Attn: Manager, Agent, Officer  
1600 Colon Road  
Sanford, NC 27331

Carolina Commercial Contractors L  
1600 Colon Road  
Sanford, NC 27331

Chrysler Capital  
Attn: Manager, Agent, Officer  
PO Box 961275  
Fort Worth, TX 76161

Dallas A. Swain  
30 Sparger Springs Lane  
Durham, NC 27705

Durham County Tax Collector  
Attn: Manager, Agent, Officer  
201 E Main St, 3rd Fl, Admin Bldg  
Durham, NC 27701

Electron Electrical Electronic Sys  
Attn: Manager, Agent, Officer  
181 Sea Mist Drive  
Sanford, NC 27332

Ellen Lighting & Hardware  
Attn: Manager, Agent, Officer  
12601 Stafford Road  
Stafford, TX 77477

Fidelity National Title InsuranceCo  
Attn: Manager, Agent, Officer  
223 S. West Street, Ste. 900  
Raleigh, NC 27603

First National Bank  
Attn: Manager, Agent, Officer  
4140 E. State Street  
Hermitage, PA 16148

Grayson Homes  
5711 Six Forks Rd.  
Suite 103  
Raleigh, NC 27609

Hunt Electric Supply Company  
Attn: R. Samuel Hunt, III  
1213 Maple Avenue  
Burlington, NC 27215

Internal Revenue Service  
Attn: Manager, Agent, Officer  
PO Box 7346  
Philadelphia, PA 19101-7346

J.D. Hensarling  
Vann Attorneys, PLLC  
1720 Hillsborough Street, Ste. 200  
Raleigh, NC 27605

Joseph P. Gram  
Conner Gwyn Schenck, PLLC  
3141 John Humphreys Wynd, Ste. 10  
Raleigh, NC 27612

MasTec USG  
Attn: Manager, Agent, Officer  
2721 Carpenter Upchurch Rd  
Cary, NC 27519

Meridian at Rogers Branch, LLC  
Attn: NorthView Partners, LLC  
6131 Falls of Neuse Rd., Ste. 202  
Raleigh, NC 27609

Metrocon  
3516 Bush Street  
Suite 100  
Raleigh, NC 27609

Milan Electrical Company, LLC  
Attn: Manager, Agent, Officer  
2109 Arbor Lane  
High Point, NC 27265

Nan E. Hannah  
Hannah Sheridan & Cochran, LLP  
5400 Glenwood Ave., Ste. 330  
Raleigh, NC 27612

NC Department of Revenue  
Office Serv. Div, Bankruptcy Unit  
P.O. Box 1168  
Raleigh, NC 27602-1168

NorthView Construction, LLC  
Attn: Manager, Agent, Officer  
6131 Falls of Neuse Road, Ste. 202  
Raleigh, NC 27609

Partners in Construction of VA, LLC  
Attn: Registered Agents, Inc.  
4030 Wake Forest Road, Ste. 349  
Raleigh, NC 27609

Partners in Construction, LLC  
Attn: Manager, Agent, Officer  
1510 Columbus Avenue  
Portsmouth, VA 23704

Preston Development Group, LLC  
PO Box 38848  
Greensboro, NC 27438

Shiloh Partners, LLC  
Attn: Manager, Agent, Officer  
1005 Lower Shiloh Way  
Morrisville, NC 27560

Soto Home Investments  
Attn: Manager, Agent, Officer  
103 N. Joyland Avenue  
Durham, NC 27703

T.D.K. Construction Co., Inc.  
Attn: CT Corporation System  
160 Mine Lake Court, Ste. 200  
Raleigh, NC 27615

Teague Campbell Dennis & Gorham  
Attn: Manager, Agent, Officer  
4700 Falls of Neuse Rd  
Raleigh, NC 27609

Toledo Builders, LLC  
PO Box 13882  
Durham, NC 27709

Tommy Joe McCorkle  
4616 Rapids Lane  
Durham, NC 27705

Truist Bank  
Attn: Manager, Agent, Officer  
PO Box 698  
Wilson, NC 27894-0698

Villa Electric, LLC  
Attn: Manager, Agent, Officer  
104 Baywood Place  
Chapel Hill, NC 27517

Vintage Raleigh West Owners, LLC  
Attn: National Registered Agent  
160 Mine Lake Court, Ste. 200  
Raleigh, NC 27615

WEX Bank  
Attn: Manager, Agent, Officer  
PO Box 639  
Portland, ME 04104-0639

Womack Electric Supply  
Attn: Manager, Agent, Officer  
3352 Apex Parkway  
Apex, NC 27502

Womack Electric Supply  
Attn: Manager, Agent, Officer  
2018 S. Main Street, Ste. 800  
Wake Forest, NC 27587

**United States Bankruptcy Court  
Eastern District of North Carolina**

In re **MSS, Inc.**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **MSS, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**August 28, 2023**

Date

**/s/ Joseph Z. Frost**

**Joseph Z. Frost**

Signature of Attorney or Litigant

Counsel for **MSS, Inc.**

**BUCKMILLER, BOYETTE & FROST, PLLC**

**4700 Six Forks Road, Suite 150**

**Raleigh, NC 27609**

**919-296-5040 Fax: 919-890-0356**

**jfrost@bbflawfirm.com**